

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TQ DELTA LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 13-1835-RGA
	:	
2WIRE, INC.,	:	
	:	
Defendant.	:	

ORDER

For the Family 4 trial, scheduled for February 22, 2021, Plaintiff asserts three claims. Plaintiff states that Defendant asserts one section 112, four anticipation, and six obviousness defenses against one claim, and three anticipation and seven obviousness defenses against each of the other two. (D.I. 1408). Plaintiff requests that Defendant be required to reduce the number of asserted invalidity defenses to a “more reasonable number,” suggesting that that number is six.

Defendant states it will only reduce the number of defenses in response to an order to do so. (D.I. 1412). Defendant makes no argument that it will be prejudiced by a reduction. It states that it wants to make sure it does not waive anything. And it suggests the reduction be to eight defenses, not six.

I think under the circumstances that six invalidity defenses per claim is neither premature nor prejudicial. Thus, I direct Defendant to reduce its invalidity defenses to six per claim. I am not going to put a date in this order, as Plaintiff did not suggest one in its letter (although I saw November 5 in the email chain) and the parties have since altered the summary judgment

briefing schedule. I suggest November 7 as the date to do so, but I would consider a different date upon request.

IT IS SO ORDERED this 30th day of October 2020.

/s/ Richard G. Andrews
United States District Judge